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PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number (Optional)
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on September 4, 2007

Signature _____

Typed or printed
name Gail OhlssonApplication Number
10/092,178Filed
March 5, 2002First Named Inventor
Teng Pin PooArt Unit
2182Examiner
Ilwook PARK

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.
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This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 36,828

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ATTACHMENT TO THE PRE-APPEAL BRIEF REQUEST FOR REVIEW

In the 3-2-2007 Office Action, claims 1-9 and 12-22 stand rejected. Applicants respectfully submit that claims 1-9, 12-15 and 19 are allowable over the cited art and that claims 15-22 are supported by the specification.

Claims 16-18 and 20-22

Written Description Rejections – 35 U.S.C. § 112

Claims 16-18 and 20-22 stand rejected under 35 U.S.C. § 112. The Applicants respectfully traverse. The claim limitations in claims 16-18 and 20-22 are supported by the specification because “drawings alone may be sufficient to provide the [‘]written description of the invention[’] required by § 112, first paragraph.” *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1564 (Fed. Cir. 1991). Figs. 2A, 3 and 4 each shows “a notebook computer sitting on a flat surface without having to elevate the keyboard section from the flat surface.” Fig. 2 shows “the width of the housing is between 1 and 1.5 times the width of said USB plug,” “the length of the housing is between 3.5 and 4 times the length of said USB plug” and “said housing comprises 2 sets of substantially parallel faces substantially orthogonal to each other.” Additionally, Fig 2A shows “a notebook computer sitting on a flat surface such that there is a space between the body of the portable camera device and the flat surface.”

No Prior-Art Based Rejection – Claims Allowable

There is no prior-art based rejection for claims 16-18 and 20-22, which are thus allowable given that they are supported by the specification as explained above. When the Patent Office indicates that claims 16-18 and 20-22 are allowable, the Applicants will incorporate the limitations of claims 16-18 and 20-22 into the limitations of the independent claims upon which claims 16-18 and 20-22 depend.

Claims 15 and 19

Written Description Rejections – 35 U.S.C. § 112

Claims 15 and 19 stand rejected under 35 U.S.C. § 112. For the same reasons stated above, the claim limitations in claims 15 and 19 are supported by the specification.

Obviousness Rejections – 35 U.S.C. § 103

Claims 15 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jap. Pat. App. Pub. No. 2002-232769 A (“*Gotanda*”) in view of Jap. Pat. App. Pub. No. 11-053060 (“*Tosaka*”) and further in view of U.S. Pat. No. 6,992,721 B1 (“*Kambayashi*”). Applicants respectfully submit that *Gotanda*, *Tosaka* and *Kambayashi*, alone or in combination, fail to teach various claim limitations of claims 15 and 19. Same as claim 1, both claims 15 and 19 require a portable camera device having a USB plug integrally adapted to the housing of the device (i.e., no captive USB cable exists) to facilitate direct coupling of the portable camera device to a USB socket of a host platform via the USB plug (i.e., no cable between the camera device’s integrated USB plug and the host platform exists). *See, e.g.*, Figs. 2 & 2A; p. 14, ll. 17-24. *Gotanda* fails to teach a USB plug integrally adapted to the housing of the camera device to facilitate direct coupling of the device via the USB plug to a USB socket of a host platform. Specifically, element 31 as shown in *Gotanda* is clearly a USB socket (*see* Fig. 2) as opposed to a USB plug.

Since *Gotanda* does not teach a USB plug integrally adapted to the housing of a portable camera device, *Gotanda* also necessarily fails to teach a non-volatile memory that is in communication with such USB plug, as required by claims 15 and 19 (and by claim 1), which also require that the digital camera be integrally formed with the non-volatile memory. In contrast, *Gotanda* teaches the use of a removable *memory card* 15 that is not integrated.

Tosaka does not teach direct coupling of a portable camera device to a host platform by way of a USB plug integrally adapted to the housing of the portable camera device as

required by both claims 15 and 19 (and by claim 1). The disclosure in Fig. 1 of *Tosaka* showing the camera device on top of the notebook computer does not by itself teach direct coupling of a portable camera device to a host platform via a USB plug integrally adapted to the housing of the device. In addition, the relevant disclosures in *Tosaka* are not enabling. A reference does not render a claimed invention obvious unless the reference enables the making and usage of the claimed invention. See *Beckman Instruments, Inc. v. LKB Produkter AB*, 892 F.2d 1547, 1551 (Fed. Cir. 1989); *In re Payne*, 606 F.2d 303, 314 (C.C.P.A. 1979). *Tosaka* does not teach the type of USB interface (e.g., plug versus socket) to be used, the location of the interface on the camera device, or the form factor or sizing of the camera device. Thus, *Tosaka* fails to enable the direct coupling via an integral USB plug.

Gotanda and *Tosaka* are not obviously combinable because *Gotanda* teaches a stand-alone digital still camera while *Tosaka* teaches a camera that is specifically designed to be used only in conjunction with a notebook computer that has “a mechanism capable [of] adjusting the use angle of the camera.” Therefore, no motivation to combine exists.

Gotanda and *Tosaka* do not disclose the direct plugging without having to elevate the keyboard section from the flat surface or the direct plugging having a space between the body of the portable camera device and the flat surface. *Kambayashi* is cited for the contention that it remedies these deficiencies. As explained above, however, *Gotanda* and *Tosaka* fail to teach a direct connection via an integrated USB plug. Because *Kambayashi* does not remedy that deficiency, claims 15 and 19 are patentable over *Gotanda*, *Tosaka* and *Kambayashi*, alone or in combination. Further, no motivation to combine exists.

Claims 1-14: Obviousness Rejections – 35 U.S.C. § 103

Claims 1-4, 9, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gotanda* in view of *Tosaka*. As mentioned above, *Gotanda* and *Tosaka*, alone or in combination, fail to teach the claim limitations of independent claims 1 and 12

such as a direct connection via an integrated USB plug. As Claims 2-4 and 9 depend on claim 1 and claim 13 on claim 12, they are also allowable.

Claims 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gotanda* and *Tosaka* and further in view of what was well-known in the art. The Examiner agrees that *Gotanda* and *Tosaka* do not expressly teach the use of a GIF, a PICT II, or a MPEG file format, which are claim limitations of claims 5-7, but states that it would have been obvious to one of ordinary skill in the art to include a GIF, a PICT II, or an MPEG file format as the one standard image and/or audio file format. Applicants respectfully traverse. The Examiner has not explained why such formats would be “well-known in the art.” Because claims 5-7 depend on claim 1, claims 5-7 are also patentable.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gotanda* and *Tosaka* as applied to claim 1 and further in view of U.S. Patent Application No. 6,753,921 B1 (“*Shimizu*”). Applicants respectfully submit that *Gotanda*, *Tosaka* and *Shimizu*, alone or in combination, fail to teach various claim limitations of claim 8. The Examiner agrees that *Gotanda* and *Tosaka* do not disclose a power supply circuit for receiving power from the host platform and providing said power to components of the portable camera device, as recited in claim 8. *Shimizu* is cited for the contention that it remedies such deficiencies. As mentioned above, *Gotanda* and *Tosaka* fail to teach a direct connection via an integrated USB plug, which is a claim limitation of claim 1. Because claim 8 depends on claim 1 and because *Shimizu* does not remedy that deficiency, claim 8 is patentable over *Gotanda*, *Tosaka* and *Shimizu*, alone or in combination. Further, there is no motivation to combine *Gotanda*, *Tosaka* and *Shimizu*.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. Pub. No. US 2003/0122839 A1 (“*Matraszek*”) in view of *Tosaka*. Applicants respectfully submit that *Matraszek* and *Tosaka*, alone or in combination, fail to teach various

claim limitations of claim 14. The present application describes a portable camera device that has a housing and a USB plug integrally adapted to the housing to facilitate direct coupling of the device via the USB plug to a USB socket of a host platform. The present application also teaches that the portable camera device can be used to accept identification information for authentication purposes. *See, e.g.*, p. 15, l. 21 to p. 16, l. 10. Claim 14 is directed to a method implementing such authentication scheme using the digital camera. *Matraszek* does not teach a portable camera device that has a housing and a USB plug integrally adapted to the housing to facilitate direct coupling of the device via the USB plug to a USB socket of a host platform or the use of said portable camera device to accept identification information for authentication purposes. Instead, *Matraszek* teaches a method to retrieve digital images based on affective information. Furthermore, *Matraszek* does not teach all of the steps recited in claim 14, which include capturing image/audio identification data, comparing the data against a template, and allowing access if the captured data matches the stored template. Paragraphs 67, 95 and 114 of *Matraszek* do not teach the step of comparing the captured data against the template. Paragraphs 67 and 114 teach the entry of the user's personal ID and password, and Paragraph 95 teaches the use of personal affective tags to retrieve or print images. In addition, *Matraszek* fails to teach the last step of claim 14 (i.e., allowing access upon a match between the captured data and the template).

Matraszek does not teach the USB connector being a USB plug to facilitate direct coupling to the host platform. *Tosaka* is cited for the proposition that it remedies the deficiencies in *Matraszek*. As discussed, *Tosaka* does not teach direct coupling of a portable camera device to a host platform by way of a USB plug integrally adapted to the housing of the portable camera device. Moreover, there is no motivation to combine the teachings of *Matraszek* and *Tosaka* because the two references involve two different fields and teach two distinct endeavors. Hence, Claim 14 is allowable over *Matraszek* in view of *Tosaka*.